

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL SHEPARD,

Case No. 2:20-cv-01445-KJM-JDP (PC)

Plaintiff,

v.

ORDER

KELSO, *et al.*,

Defendants.

Plaintiff is a state inmate proceeding with appointed counsel in this civil rights action brought under 42 U.S.C. § 1983. On August 19, 2022, defendants filed a motion for summary judgment, ECF No. 34, and when plaintiff did not file an opposition or statement of non-opposition, I issued an order to show cause why this case should not be dismissed for failure to prosecute and failure to comply with the court's local rules. ECF No. 36. Plaintiff himself, not through his attorney, responded to the order to show cause, stating that he was unaware of his attorney's lack of response to defendants' motion. ECF No. 38.

Roughly a month and a half after I issued the order to show cause, plaintiff's attorney moved for a ninety-day extension of time to file a response to defendants' motion, ECF No. 39, which I granted, ECF No. 41. Plaintiff's attorney then filed a subsequent motion seeking a forty-six-day extension of time, ECF No. 42, which I granted, ECF No. 43. The deadline for plaintiff

1 for file an opposition or statement of non-opposition was April 14, 2023. *See* ECF No. 43. To
2 date, plaintiff has neither responded to the order to show cause nor filed an opposition or
3 statement of non-opposition to defendants' motion for summary judgment.

4 Accordingly, plaintiff's counsel is ordered to appear before the court on May 18, 2023, at
5 10:00 a.m. via Zoom, to show cause for why this action should not be dismissed for failure to
6 prosecute and failure to comply with the court's local rules.

7 IT IS SO ORDERED.
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9 Dated: April 27, 2023


10 JEREMY D. PETERSON
11 UNITED STATES MAGISTRATE JUDGE

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